

**REMARKS**

Claims 1-31 and 34 are pending in this application.

Claims 1, 9, 18, 21, 24 and 31 are independent.

The defect in the Supplemental Information Disclosure Statement is noted. Submitted herewith is a replacement Supplemental Information Disclosure Statement curing the defect.

Claims 1-31 and 34 stand rejected under 35 U.S.C. §103(a) as obvious over Nguyen et al., (U.S. Patent No. 5,931,917) in view of Rosen (U.S. Patent No. 5,557,518). The rejection is respectfully traversed.

With regard to independent claims 1 and 9, the Examiner points to Nguyen at column 2, lines 56-67, column 65, lines 19-67, column 66, lines 1-5, column 75, lines 39-67, column 76, lines 39-67, column 77, lines 13-57, column 78, lines 4-25, column 82, line 1, through column 86, line 67, column 88, lines 7-47, and Figures 1C, 2, 3, 4, 5A, 7A, 8, 9, 15A, 15B, 16, 17 18A, 18C, 18E, 19, 20A, 20B, 27, 28, 34, 35, 37, 48, 49 and 50, as suggesting "[a] method for conducting cashless transactions, comprising the steps of: receiving, at a first network device associated with a seller, information identifying a product intended to be purchased at a purchase price by purchaser, the purchase price to be paid by a transfer of funds on deposit in or credited to an account of the purchaser ... transmitting over a network, to a second network device associated with a financial institute at which the purchaser account is maintained, an authorization of the purchaser to pay the purchase price for the identified product through the transfer to the seller of the funds from the purchase account; determining if the funds in the purchaser account are sufficient with respect to the purchase price; and transmitting over the network, from the second network device to the first network device, an authorization of

the financial institute for the seller to proceed with delivery of the product, the authorization being transmitted only if the funds are determined to be sufficient." The Examiner acknowledges that Nguyen does not disclose the required feature that the identity of the purchaser account be unknown to the seller. The Examiner points to Rosen at column 1, lines 65-67, column 2, lines 1-3, and column 19, lines 40-49 as disclosing such feature.

It is respectfully submitted that what Nguyen discloses is a technique for effectuating secure credit card payments for purchases made via the Internet. Nguyen's technique includes a gateway computer for linking a seller's computer to an existing credit card payment network, and securely linking a purchaser's computer to the seller's computer as well as securely linking the seller's computer to the gateway computer. A purchaser provides a credit card number to the seller, the seller passes the credit card number and a purchase price to the gateway computer, and the gateway computer passes this information to an acquirer bank associated with the seller via an existing credit card network. The acquirer bank either approves or declines the charge, and this decision is passed back to the gateway computer and then to the seller computer. (see Abstract, column 4, lines 40-61, column 16, lines 5-17, column 65, lines 37-38, and column 77, lines 14-20.)

As is well understood, a credit card account does not have funds deposited in, or credited to, it. Rather, a credit card account includes a credit balance which may be charged against. Accordingly, Nguyen fails to teach the required payment by a transfer of funds on deposit in, or credited to, an account of the purchaser maintained at a financial institute, and in fact teaches against such payment. Thus, it is respectfully

submitted that the Examiner is mistaken in asserting that Nguyen suggests this limitation.

The Examiner admits that Nguyen does not teach the identity of the purchaser account being unknown to the seller, and looks to Rosen for such feature. Rosen discloses a technique for secure delivery of both electronic merchandise and proof of purchase of physical merchandise by either anonymous payment or credit card payment.

In accordance with the Rosen technique, a purchaser is associated with a trusted agent and a money module, and a seller is associated with another trusted agent and another money module. The trusted agents and money modules exchange electronic merchandise, or tickets for physical merchandise, and cryptographically encoded electronic notes in payment for merchandise or tickets. (see, for example, Figure 1, column 4, lines 4-38, and column 38, line 24, through column 39, line 3)

The delivery of electronic merchandise and proof of purchase of physical merchandise is made with the use of electronic tickets. Several types of electronic tickets are utilized in the Rosen technique. These include decryption tickets and physical object tickets. Decryption tickets are used to decrypt encrypted electronic objects, such as software, movies, and electronic books purchased by the purchaser and delivered by the seller. Physical object tickets serve as purchase orders, invoices, payment advice, receipt, or title for physical objects purchased by the purchaser. A physical object ticket can be presented upon delivery of the physical object to the purchaser, or upon the purchaser picking up the physical object from a warehouse, as proof of payment. (see, for example, column 4, lines 40-55, and column 5, lines 18-20 and lines 30-34)

The trusted agent and money module associated with the purchaser are embedded in a customer transaction device (CTD). The CTD is under control of a purchaser. Likewise, the trusted agent and money module associated with seller are embedded in a merchant transaction device (MTD). The MTD is under control of a seller. CTSs and MTDs are preferably personal computers. (see, for example, Figure 3, and column 7, line 65, through column 8, line 6)

The CTD of Rosen includes a buyer transaction application (BTA). The BTA connects, via a network, to a server associated with a seller. The seller's merchandise selection is housed on the server. The purchaser selects merchandise to purchase, utilizing the BTA portion of the CTD, and the BTA sends the identity of the selected merchandise to the seller's server. The BTA also sends a message to the trusted agent portion of the CTD(trusted agent A) instructing trusted agent A to buy the selected merchandise. Upon receipt of the purchaser's selection, the server sends a message to the trusted agent of the seller (trusted agent B) identifying the selected merchandise and instructing trusted agent B to sell the merchandise. No purchaser identifying information has been exchanged between the purchaser and the seller. (column 17, lines 49-60)

A communication session is then established between trusted agent A and trusted agent B. Communications between the trusted agents are encrypted. Each trusted agent validates the identity of the other trusted agent. (see, column 17, line 61, through column 18, line 28) Trusted agent B then determines if the selected merchandise is electronic merchandise or physical merchandise. (see column 18, lines 43-47)

If the selected merchandise is physical, trusted agent B creates a physical object ticket identifying the selection and

price and transmits it to trusted agent A. Trusted agent A receives the ticket and determines if the correct selection is identified. If not, the transaction is aborted. If so, the selection is displayed to the purchaser for verification. If verified, trusted agent A provisionally stores the ticket. The purchaser cannot yet take possession of the ticket. (see column 18, lines 48-65)

If the selected merchandise is electronic, trusted agent B retrieves the electronic merchandise, encrypts it, and transmits the encrypted electronic merchandise, along with a decryption ticket, to trusted agent A. As above, trusted agent A determines if the correct selection is identified. If so, the customer verifies the selection and the decryption ticket is provisionally stored. The purchaser cannot yet access the electronic merchandise. (see column 19, lines 1-39)

At this point, trusted agent A requests the purchaser to select a form of payment: anonymous money module payment or identity-based credit/debit card payment. (see column 19, lines 40-49) If anonymous money module payment is selected, trusted agent A directs the purchaser's money module, located in the CTD, to pay the purchase price, in the form of electronic money, to the seller's money module. (see column 23, lines 23-26). A money module is pre-populated with electronic notes which are based upon national currencies. The purchaser's money module informs the seller's money module of the amount of the electronic money to be paid. The seller's money module verifies this amount with trusted agent B. If the amount is correct, the seller's money module sends an acknowledgment to the buyer's money module. (see column 23, lines 28-34)

The purchaser's money module transfers electronic notes, cryptographically encoded, to the seller's money module. It should be noted that no financial institute is involved in the

transaction. Trusted agents A and B then commit the transaction (the seller's trusted agent records the sale and the customer's trusted agent's retention of the merchandise or physical object ticket becomes no longer provisional). The purchaser can then use the electronic merchandise, or access the physical object ticket, and the seller has electronic money in return. (see, for example, column 23, lines 35-51)

If identity-based credit/debit card payment is selected, trusted agent A retrieves a credit/debit card credential (i.e. the purchaser's account number), and transmits it to trusted agent B. Trusted agent B then validates the credit/debit card payment via common credit/debit card authorization procedures. (see column 24, lines 22-40) Once authorization for the charge has been obtained, trusted agents A and B commit the transaction, granting the purchaser access to the electronic merchandise or electronic ticket.

As will be understood by the above discussion of the Rosen patent disclosure, anonymous payment in Rosen is not by a charge to a credit card or by a transfer of funds on deposit in or credited to a purchaser's account maintained at a financial institute. Rather, anonymous payment in Rosen is by way of an electronic currency maintained in a money module, which is a part of a device under control of the purchaser, typically a common personal computer. In addition to anonymous money module payment, Rosen also discloses a form of secure identity-based credit card payment, which is the same form of payment as disclosed in Nguyen. Credit card payment processing, in Rosen, is conventional, well known, credit card processing.

Rosen, like the present application, recognizes a need for anonymous payment. Rosen also recognizes that credit card payments are inherently not anonymous, as a purchaser's credit/debit card account number must be disclosed to a seller

in Rosen's technique. (see, column 6, line 65, through column 7, line 4) However, Rosen does not disclose a method for anonymous credit card payment. Hence, there is nothing to suggest that Rosen's anonymous payment technique could be applied to Nguyen's credit card payment technique. If anything Rosen would suggest that credit card payments cannot be made anonymously.

Furthermore, although Rosen discloses an anonymous payment technique, the payments are not made from an account maintained at a financial institute. Rather, the account is maintained at the purchaser. Rosen discloses a dual mode payment technique.

In summary, Rosen discloses that in a first mode, a payment is made anonymously by transferring electronic notes between a money module at the purchaser and a money module at the seller. Rosen's anonymous payment does not utilize a charge to a credit or debit card or an account maintained at a financial institute. In a second mode, payment is identity based and includes a charge to a credit or debit card. In identity based payment, the seller is aware of the purchaser's credit/debit card account number.

Accordingly, it is respectfully submitted that there would be no motivation for one of ordinary skill in the art to combine, as the Examiner proposes, the anonymous payment of Rosen with the identity-based credit card payment of Nguyen. In fact, Rosen teaches against such a combination, as Rosen has clearly concluded that credit card payments inherently require a revealing of the purchaser's account number.

Further, even ignoring the inconsistency between the proposed combination and Rosen's teachings, the Examiner has provided no analysis whatsoever as to how Rosen's anonymous payment by electronic currency, utilizing money modules, could be combined with the secure credit card transactions of Nguyen to result in the claimed invention. The Examiner only offers

the conclusory statement of "[i]t would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modification taught by Rosen '518 to Nguyen, because it would have been obvious that the disclosure of Rosen ... would have been selected in accordance with 'the identity of the purchaser account being unknown to the seller' and because such modifications would have provided 'a system which will allow customers to buy electronic merchandise or services on demand'" in support of this assertion.

However, it is first to be noted that such a modification was clearly not obvious to Rosen who was (who was presumably skilled in the art). Further, it is respectfully submitted that how one would go about modifying Nguyen in view of Rosen and the results of such a combination are purely speculative. Further still, even if there were some way to combine the two techniques, which it is respectfully submitted there is not, such a combination would not result in the claimed inventions because payment would not be by a transfer to the seller of funds on deposit in or credited to an account of the purchaser maintained at a financial institute, as should be clear from the discussion above.

Additionally, the proposed combination also does not suggest other requirements of independent claims 1 and 9.

For example, claims 1 and 9 require transmitting, to the purchaser's financial institute, an authorization of the purchaser to pay the purchase price. In Nguyen, an authorization to charge the purchaser's credit card is transmitted to a financial institute associated with the seller, as discussed above, not a financial institute associated with the purchaser. Also, in the identity-based credit/debit card payment of Rosen, an authorization to charge the purchaser's credit/debit card is transmitted to a financial institute

associated with the seller, not the purchaser. In the anonymous payment mode of Rosen, no authorization to pay the purchase price is transmitted, as the purchaser directs his or her customer transaction device (typically, a personal computer) to make payment.

Also, the claims require determining if funds in the purchaser account at the financial institute are sufficient with respect to the purchase price. As should be understood from the above discussion, no such determination is made in Nguyen, as purchaser funds are not transferred and therefore there are no funds to consider for such a determination. Rather, a charge is made to a purchaser's credit card. At best, Nguyen determines if a purchaser has a sufficient credit balance. In Rosen, a determination is made as to sufficiency of electronic currency held at the purchaser's computing device.

Furthermore, claims 1 and 9 require transmitting an authorization from the purchaser's financial institute to the seller for the seller to proceed with delivery of the identified product. Nguyen in no way suggests this requirement. First, the seller in Nguyen does not receive any type of authorization from the purchaser's financial institute. Secondly, the seller in Nguyen only receives, from the seller's financial institute, by way of the gateway computer, an approval of a charge to the purchaser's credit card.

For these reasons, it is respectfully submitted that independent claims 1 and 9, as well as their dependencies, i.e., claims 2-8 and 10-17, patentably distinguish over the applied art, whether taken individually or in combination. Accordingly, The Examiner is courteously requested to reconsider and withdrawn the rejection of these claims.

It is also respectfully submitted that features found in the dependencies of independent claims 1 and 9 further and

independently distinguish from the applied art, both individually and in combination.

These features include, but are not necessarily limited to, the requirement of claims 3 and 11 of transmitting, from the purchaser's network device to the purchaser's financial institution's network device, information identifying a product to be purchased, the purchase price, and the purchaser.

Nguyen discloses transmitting an authorization request, including an amount and information identifying the purchaser, from the seller's computer to the gateway computer, which in turn transmits this information to a financial institute associated with the seller (not the purchaser), as discussed above. As also will be understood from the discussion above, in both Rosen's anonymous payment mode and identity-based payment mode, information indicating a purchaser's merchandise selection is transmitted from the customer's transaction device to the seller's server, not from the purchaser's network device to the purchaser's financial institute's network device.

Dependent claims 4 and 12 each require that the authorization of the purchaser to pay the purchase price be transmitted from the purchaser's network device to the network device associated with the purchaser's financial institute. In Nguyen, an authorization request to charge a credit card is transmitted by the seller, not the purchaser, to a financial institute associated with the seller. (see column 82, lines 27-28) In Rosen's anonymous payment mode, no payment authorization whatsoever is transmitted between network devices. Also in Rosen, a traditional authorization to charge a credit card is transmitted by the seller to an acquirer bank associated with the seller, as discussed above.

The Examiner acknowledges that that Nguyen does not teach that the authorization is transmitted from the purchaser's

network device to the purchaser's financial institution's network device. The Examiner argues that it would have been obvious to modify Nguyen to include such a feature so as to provide "secure transmission of data between a plurality of computer systems over a public communication system, such as the Internet," quoting the Abstract of Nguyen. This argument is not understood, as Nguyen is explicitly directed to leveraging existing credit card payment networks, which, as would be understood by one of ordinary skill in the art, require a seller to transmit, or otherwise submit, a charge authorization to an acquirer bank associated with the seller. The Examiner has provided no analysis as to how the proposed modification of Nguyen could be made and this requirement could still be achieved. It is respectfully submitted that such modification of Nguyen is not possible in view of Nguyen's stated objective.

Dependent claims 5 and 14 require that the information identifying the product to be purchased, the purchase price of the product, and the purchaser be transmitted from the purchaser's network device to the purchaser's financial institution's network device responsive to selecting payment by transfer of funds from an account of the purchaser maintained at the purchaser's financial institute.

Neither Nguyen nor Rosen, as discussed above, teach or suggest transmitting such information from a purchaser's network device to a purchaser's financial institute's network device, let alone payment by transfer of funds from such an institute as required by claim 5. Payment in Nguyen is by credit card. Payment in Rosen is either by credit card or an electronic currency transmitted directly from a purchaser to a seller.

The Examiner admits that Nguyen does not disclose the requirements of claims 5 and 14, and argues, relying upon the same reasoning the Examiner uses in rejecting claim 4, that it

would have been obvious to modify Nguyen to include these requirements because this would provide "secure transmission of data between a plurality of computer systems over a public communication system, such as the Internet." For at least the reasons recited above, the Examiner's position is not understood.

Dependent claims 6 and 15 each require automatically establishing a hyperlink to the purchaser's financial institute's network device from the purchaser's network device for transmission of the information identifying the product to be purchased, the purchase price of the product, and the purchaser.

The Examiner acknowledges that Nguyen does not teach such a feature, but argues, relying upon the same argument used in rejecting claim 4, that it would have been obvious to modify Nguyen to include such feature. For the reasons discussed above, the Examiner's position is not understood, as Nguyen clearly does not teach or suggest automatic establishment of a hyperlink, let alone transmission of the required information from the purchaser to the purchaser's financial institute. In fact, neither Rosen nor Nguyen disclose communications with a purchaser's financial institute.

Dependent claims 7 and 16 require transmitting a notice of delivery of the identified product to the purchaser's financial institute from the seller, and directing a transfer of the funds to the seller responsive to receipt of the notice of delivery.

Once again, the Examiner acknowledges that Nguyen does not teach such feature, and relies upon the same reasoning used in rejecting claim 4. The Examiner's reasoning is not understood. As discussed above, Nguyen is directed to securing credit card payments for purchases made via the Internet. Nguyen simply does not teach or suggest making payment dependent

upon delivery of a purchased product. In Nguyen, a charge authorization request is transmitted by the seller to the seller's financial institute. The seller's financial institute either approves or declines the charge. Nguyen in no way discloses payment upon notification of delivery of the purchased product.

Accordingly, for at least these reasons, it is respectfully requested that the Examiner reconsider and withdraw the rejection of the dependencies, i.e., claims 2-8 and 10-17, of claims 1 and 9.

With regard to independent claim 18, the Examiner points to Nguyen at column 2, lines 56-67, column 65, lines 19-67, column 66, lines 1-5, column 75, lines 39-67, column 76, lines 39-67, column 77, lines 13-57, column 78, lines 4-25, column 82, line 1, through column 86, line 67, column 88, lines 7-47, and Figures 1C, 2, 3, 4, 5A, 7A, 8, 9, 15A, 15B, 16, 17 18A, 18C, 18E, 19, 20A, 20B, 21A, 22 27, 28, 33, 34, 35, 37, 40, 47, 48, 49, 50, 54, 64, and 67, as suggesting stored computer programming causing a computer to establish a first communication link with a first network station associated with a seller; receive, from the seller network station, and display, first information identifying products, and their prices, available for purchase from the seller, as well as a plurality of payment options, the payment options including payment by transfer to the seller of funds from an account of a purchaser and payment by credit card; receive first inputs from the purchaser selecting a product and a payment by transfer of the funds from the purchaser account; automatically generate, responsive only to the selection of payment by funds transfer, a signal establishing a second communication link with a second network station associated with a financial institute with which the purchaser account is maintained; transmit to the seller

network station, second information identifying the selected product, and the identity of the purchaser; transmit to the financial institute network station third information identifying the selected product, the purchase price, and the identity of the purchaser; receive from the financial institute network device a request to approve payment by the transfer by the financial institute to the seller of the funds; receive second inputs from the purchaser approving payment by funds transfer; transmit to the financial institute network device fourth information representing the purchaser approval of the payment by funds transfer; and receive, from the financial institute network device, and display information representing an account statement indicating that the funds have been transferred from the purchaser account to the seller.

The Examiner acknowledges that Nguyen does not teach or suggest that the payment options also include payment by debit card and that the second information transmitted to the seller network station does not identify the account from which funds are transferred, as further requirements of claim 18. The Examiner looks to Rosen at column 1, lines 65-67, column 2, lines 1-3, and column 19, lines 40-49, as disclosing such features.

As should be understood from the discussion above of the rejection of independent claims 1 and 9 and their dependencies, neither Nguyen nor Rosen, nor their combination, teach or suggest the required payment by funds transfer from an account associated with the purchaser which is maintained at a financial institute. In Nguyen, payment is by credit card, and in Rosen, payment is either by credit/debit card, or by electronic currency transfer directly from a purchaser's money module to a seller's money module.

Further, automatic establishment of a communication link with a network station associated with the purchaser's financial institute is not disclosed in either Nguyen or Rosen. In fact, neither Nguyen nor Rosen even discuss a network device associated with a purchaser's financial institute.

Likewise, transmitting, to the purchaser's financial institute network device, information identifying a selected product, price, and the identity of the purchaser is also not taught or suggested in either Nguyen or Rosen.

Furthermore, neither Nguyen nor Rosen, individually or in combination, teach or suggest that a request to approve payment by funds transfer is received from the purchaser's financial institute. As such, these references fail to teach or suggest the required receiving of inputs from the purchaser approving payment by funds transfer and transmission of a purchaser approval to the network device associated with the purchaser's financial institute.

It is courteously submitted that, as discussed above, there is also no motivation to combine Nguyen and Rosen, as Rosen teaches against such a combination. Furthermore, a combination of Nguyen and Rosen, even if possible, would not result in the invention as recited in claim 18. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claim 18, as well as its dependencies, claims 19 and 20.

With regard to independent claim 21, the Examiner rejects claim 21 on the same grounds as the rejection of independent claim 18.

Claim 21 requires stored computer programming causing a computer to receive, via a network, information identifying a product, a purchase price of the product, an identity of a seller of the product, and an identity of a purchaser of the

product, the purchase by a transfer by a financial institute to the seller of funds from an account of the purchaser maintained with the financial institute, and the account being unidentified to the seller; transmit to a first network station a request for purchaser approval of the payment by funds transfer; receive from the first network station the purchaser approval; determine if the funds are sufficient with respect to the purchase price; transmit to a second network station an authorization of the financial institute to proceed with a sale to the purchaser of the product after the funds are determined to be sufficient and the purchaser approval is received; transmit a direction to transfer the funds in payment of the purchase price; and transmit to the first network station an account statement indicating the funds have been transferred in payment of the purchase price of the product.

The Examiner acknowledges that Nguyen does not teach that the account is unidentified to the seller, and looks to Rosen for such feature. As should be understood from the discussion above, neither Nguyen, nor Rosen, nor their combination, teach or suggest payment by funds transfer, as required by independent claim 21. Furthermore, as should also be clear from the discussion above, there is no motivation to combine Nguyen and Rosen, because Rosen teaches against the combination. Further, such a combination, even if possible, would not result in the invention as recited in claim 21.

Further, it is respectfully submitted that it appears the Examiner has not addressed other limitations of independent claim 21 which, as should be understood from the discussion herein, are not taught or suggest by Nguyen, Rosen, or a combination thereof.

Accordingly, it is courteously requested that the Examiner reconsider and withdraw the rejection of independent claim 21, as well as its dependencies, claims 22-23.

The Examiner's rejection of independent claim 24 is not understood. The Examiner argues that while "Nguyen lacks an explicit recital of" the claimed invention, "it would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Nguyen (citing the same Figures and columns cited in the rejection of claim 21) would have been selected in accordance with the requirements of claim 24 because such selection would have provided means for transmission of data between a plurality of computer systems over a public communication system, such as the Internet. (See Nguyen (the ABSTRACT))."

Claim 24 requires transmitting from a seller device to a purchaser device information identifying a product available for purchase, a purchase price, and a plurality of payment options, including payment by a first form of payment and payment by a second form of payment different than the first form of payment; selecting one of the plurality of payment options at the purchaser network device; and transmitting from the purchaser's network device to a financial institute network device the information identifying the product to be purchased and the purchase price of the product only if the payment of the purchase price by the first form of payment is selected, and transmitting from the financial institute device to the seller an authorization of the financial institute for the seller to proceed with the delivery of the identified product to the purchaser.

As should be understood from the discussion above, Nguyen does not teach or suggest the requirements of independent claim 24, or its dependencies, claims 25-30. In particular, Nguyen

does not teach or suggest the required payment options, and selection thereof. In Nguyen, payment is by credit card. Nguyen does not disclose a purchaser selecting a payment option since there are no disclosed options. Also, Nguyen does not teach or suggest a transmission, from a purchaser to a financial institute, of information identifying a product and the purchase price of the product.

As discussed above, Nguyen discloses transmitting information identifying the purchaser, and an amount to be charged, from the seller to the seller's financial institution. Also, Rosen's identity-based payment mode also includes this transmission. In Rosen's anonymous payment mode, no transmission is made to any financial institution. Neither Nguyen nor Rosen disclose any transmission to a purchaser's financial institute's network device.

Further, an authorization from a financial institute for delivery of an identified product is not disclosed in either Nguyen or Rosen.

Accordingly, it is respectfully requested that the Examiner reconsider and withdraw the rejection of independent claim 24, as well as its dependencies, i.e., claims 25-30.

It is also respectfully submitted that features found in the dependencies of independent claim 24 further and independently distinguish over the applied art. These features include, but are not necessarily limited to, the requirement of claim 25 that the authorization of the financial institute is transmitted, responsive to receipt of the identifying information from the purchaser network device, from the financial institute network device to the seller network device. This is not taught or suggested by either Nguyen or Rosen.

The requirement of dependent claim 26 that the financial institute device transmit, in conjunction with the transmission of

the authorization of the financial institute, information identifying the product to be purchased and the purchase price of the product is neither taught nor suggested by either Nguyen or Rosen.

Dependent claim 27 requires that the first form of payment is a transfer of funds on deposit in or credited to an account of the purchaser, the identity of the account being unknown to the seller, and that the financial institute device transmit an instruction to transfer the funds from the purchaser account to the seller. As should be clear from the above discussion, neither Nguyen nor Rosen teach such requirements.

Dependent claim 28 requires that the purchaser's account be maintained by the financial institute. Clearly neither Nguyen nor Rosen teach or suggest this feature.

Accordingly, for at least these reasons, it is respectfully requested that the Examiner reconsider and withdraw the rejection of the dependencies of independent claim 24.

The Examiner's rejection of independent claim 31 is also not understood. The Examiner argues that Nguyen "shows elements that suggest" the requirements of claim 31, but admits that Nguyen "lacks an explicit recital of" these requirements. The Examiner goes on to argue "however, it would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Nguyen ... would have been selected in accordance with" the remaining requirements of claim 31 'because such selection would have provided means for "transmission of data between a plurality of computer systems over a public communication system, such as the Internet'." Again, the Examiner's reasoning is not understood.

Independent claim 31 requires a network device associated with a seller, a network device associated with a purchaser, and a network device associated with a financial institute. The seller

device is configured to transmit to the purchaser device information identifying a product available for purchase, a purchase price and a plurality of payment options including payment by a first form of payment and payment by a second form of payment different than the first form of payment. The purchaser network device is configured to receive the transmitted information, select one of the plurality of payment options and transmit either a first message only if the first form of payment is selected or transmit a second message if the second form of payment is selected. The first message is transmitted to the financial institute device and includes information identifying the product to be purchased and the purchase price of the product. The second message is transmitted to the seller device and includes information identifying the product to be purchased, the purchase price of the product, and the selected second form of payment. The financial institute device is configured to transmit an authorization of the financial institute for the seller to proceed with delivery of the identified product to the purchaser, responsive to the transmitted first message.

It is simply not understood upon what grounds the Examiner has rejected independent claim 31. As should be clear from the discussion above, neither Nguyen, Rosen, nor a combination of Nguyen and Rosen, teach or suggest the requirements of claim 31.

In particular, neither Nguyen nor Rosen disclose transmitting to a financial institute information identifying a product to be purchased and the purchase price of the product. Furthermore, neither Nguyen nor Rosen disclose any type of transmission to a financial institute from a purchaser.

Also, neither Nguyen nor Rosen disclose transmitting, to a seller from a purchaser, information identifying a product to be purchased and the purchase price of the product.

Furthermore, neither Nguyen nor Rosen disclose an authorization of a financial institute for the seller to proceed with delivery of an identified product, let alone transmission of such an authorization responsive to receipt of the above-discussed identity information from the purchaser.

Accordingly, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claim 31, as well as its dependency, claim 34.

Dependent claim 34 further patentably distinguishes from the applied art, whether taken in combination or individually. As will be clear from the discussion above, neither Nguyen nor Rosen disclose payment by transfer of funds on deposit in or credited to an account of the purchaser, the identity of the purchaser account being unknown to the seller, as required by claim 34.

To the extent that the Examiner maintains the rejection of the claims, the Examiner is courteously requested to clarify the rejection of claims, with respect to which the Examiner's rationale has, as noted above, not been understood.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-0427 and please credit any excess fees to such deposit account.

Respectfully submitted,

Lalos & Keegan



Alfred A. Stadnicki  
Registration No. 30,226

1146 Nineteenth Street, NW  
Fifth Floor  
Washington, D.C. 20036-3703  
Telephone (202) 887-5555  
Facsimile (202) 296-1682  
Date: October 29, 2001